

YUKON LAND USE PLANNING
IN THE CONTEXT OF INDIAN LAND CLAIMS

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COUNCIL FOR YUKON INDIANS

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* (INTRODUCTORY REMARKS)

AFTER THE COUNCIL FOR YUKON INDIANS HAD FIRST RECEIVED AND ACCEPTED AN INVITATION TO ADDRESS THIS SYMPOSIUM, WE WERE FACED WITH THE CHALLENGE OF SELECTING AN APPROPRIATE TOPIC UPON WHICH TO SPEAK.

BECAUSE OF THE STRONG INDIGENOUS LINKS BETWEEN INDIAN PEOPLE AND THEIR YUKON HOMELANDS WE WANTED A TOPIC WHICH WOULD CONTRIBUTE, IN A POSITIVE WAY, TO THE CURRENT DEBATE ON NORTHERN LAND USE PLANNING.

GIVEN YOUR DIVERSE BACKGROUNDS AND PROFESSIONAL AFFILIATIONS, WE WANTED TO AVOID TOPICS, HOWEVER, THAT WOULD ONLY BE OF INTEREST TO A SELECT FEW; INSTEAD, WE HOPE TO IDENTIFY BROAD ISSUES WHICH MOST PARTICIPANTS WOULD FIND APPEALING.

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COUNCIL FOR YUKON INDIANS

WE CAME TO THE DECISION THAT THE MOST SUITABLE SUBJECT FOR OUR PRESENTATION, IF SELDOM VIEWED IN THE CONTEXT OF LAND USE PLANNING, IS THE PROMINENT ISSUE OF LAND CLAIMS! ...

... AND THEREFORE I HAVE COME HERE THIS AFTERNOON TO SHARE WITH YOU SOME GENERAL CONSIDERATIONS, NEGOTIATED OBJECTIVES, AND EMERGING GUIDELINES OF THE COUNCIL FOR YUKON INDIANS IN TERMS OF LAND USE PLANNING IN THIS TERRITORY.

THE CYI LOOKS BACK TO A DECADE OF EXPERIENCE TALKING TO GOVERNMENTS AT THE CLAIMS NEGOTIATIONS TABLE ... NEGOTIATING WITHIN A BEWILDERING ARRAY OF POLITICAL POSITIONS, NEGOTIATING FORMATS, AND INDUSTRIAL OR GOVERNMENT DEVELOPMENT ACTIVITIES.

NOT SUPRISINGLY, THE CYI HAS HAD TO MODIFY ITS INITIAL CLAIMS PROPOSAL MORE THAN ONCE, SO AS TO STAY ABREAST OF CHANGING TIMES.

IN RETROSPECT, IT SEEMS TOO SIMPLE TO SAY THAT THE PREROGATIVES OF LAND CLAIMS REQUIRE A DEFINITION INDEPENDENT FROM GOVERNMENT OR INDUSTRY PERSPECTIVES.

... INSTEAD, LAND CLAIMS SEEK A FAIR LINE OF POLITICAL, ECONOMIC AND SOCIAL CREDIT - THAT IS, THE ACKNOWLEDGEMENT OF THE VERY LEGITIMACY OF INDIAN ASPIRATIONS FOR THEIR FUTURE.

IN THE SAME VEIN, THE FINAL SETTLEMENT ... (WHICH IS CLOSE AT HAND FOR YUKON INDIANS) ... SHOULD SERVE TO TRANSLATE LAND CLAIMS OUT OF THEIR PRESENT LEGAL AND ADMINISTRATIVE STRAIGHTJACKET INTO EFFECTIVE POLITICAL, ECONOMIC AND SOCIAL FORUMS.

NATIVE LAND CLAIMS PER SE HAVE BECOME A NUCLEUS FOR THE ENTIRE NORTH. IT IS IMPERATIVE THEREFORE NOT ONLY FOR GOVERNMENTS BUT INDUSTRY AS WELL, TO RESPOND TO THE PREREQUISITES OF LAND CLAIMS IN ORDER TO CREATE A FRAMEWORK IN WHICH LAND CLAIMS BECOME ACCEPTABLE AS THE POLICY OF NORTHERN DEVELOPMENT ...

... AND AS SUCH, THE DIFFERENCE IN ATTITUDE BETWEEN THOSE WHO SEIZE UPON THE NORTH AS A FRONTIER AND THOSE WHO VALUE THE NORTH AS A HOMELAND MUST BE INCORPORATED AND DEALT WITH IN THE CONTEXT OF LAND USE PLANNING.

IN EFFECT, WE SEE LAND CLAIMS AS THE MEANS OF ENSURING THAT NATIVE PEOPLE CAN PLAN AND DEVELOP THEIR OWN LAND USES, WHICH ARE PERMANENT, RATHER THAN MERELY PARTICIPATING IN CORPORATE SCHEMES DEVISED AND CONTROLLED IN SOUTHERN BOARD ROOMS, WHICH ARE OFTEN ONLY TEMPORARY IN NATURE.

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BEFORE ELABORATING ON THE ROLE OF INDIAN PEOPLE IN LAND USE PLANNING, IT'S APPROPRIATE TO DESCRIBE THE FACTORS AND CONSIDERATIONS FROM WHICH OUR POLICIES HAVE EMERGED.

AS YOU CAN IMAGINE, THE CYI HAS MADE LAND ONE OF THE KEY ISSUES AT THE NEGOTIATIONS TABLE. WE HAVE CONSISTENTLY ARGUED THAT BECAUSE YUKON INDIAN PEOPLE RELY HEAVILY ON THE LAND, IT'S ESSENTIAL THAT THEY RETAIN A LARGE MEASURE OF CONTROL OVER IT.

FOR US, BALANCED DEVELOPMENT HINGES ON BALANCED INTERESTS ... NOT JUST BETWEEN PEOPLE AND THE NATURAL ENVIRONMENT ... BUT ALSO BETWEEN PEOPLE THEMSELVES.

TO DATE, YUKON INDIAN COMPREHENSIVE CLAIMS NEGOTIATIONS HAVE PRODUCED AGREEMENTS-IN-PRINCIPLE COVERING THE GAMUT OF POLITICAL, FINANCIAL, ECONOMIC, SOCIAL AND EDUCATIONAL CONCERNS.

WHILE SOME OF THESE AGREEMENTS RELATE INDIRECTLY TO LAND USE PLANNING ... (SUCH AS THE RENEWABLE AND NON-RENEWABLE RESOURCE SECTORS, OR PARKS AND HERITAGE ASPECTS - AND, ON THE COMMUNITY LEVEL, LOCAL GOVERNMENT OR SOCIAL PROGRAMS) ... OTHER AGREEMENTS PERTAIN DIRECTLY TO LAND USE PLANNING.

SPECIFICALLY, OUR "AGREEMENT-IN-PRINCIPLE WITH RESPECT TO LAND USE PLANNING AND ENVIRONMENTAL ASSESSMENT IN YUKON" (SIGNED IN DECEMBER 1980), SPEAKS TO THE NEED OF COMPREHENSIVE PLANNING, AND THIS INCLUDES:

- * THE GUARANTEE OF 25% INDIAN MEMBERSHIP ON ALL LAND USE PLANNING COMMISSIONS OR BOARDS;
- * THAT THE PROCESS WILL SAFEGUARD INDIAN HUNTING, FISHING AND TRAPPING RIGHTS; AND
- * THE PROTECTION OF INDIAN SOCIAL AND ECONOMIC FABRICS.

MOST IMPORTANTLY, OF TWELVE YUKON INDIAN BANDS, NINE SO FAR HAVE FINALIZED THEIR LAND SELECTIONS. THOSE LANDS COMPRISE RURAL BLOCK, SITE SPECIFIC AND SELECTIONS WITHIN THE COMMUNITIES.

FURTHER, THE PROJECTED TOTAL OF WHAT SUCCEEDING TO SETTLEMENT LEGISLATION WILL CONSTITUTE WHOLLY INDIAN-OWNED LANDS, IS LESS THAN 5% OF THE YUKON LAND MASS.

GIVEN CYI'S UP-FRONT CLAIM TO 130,000 SQUARE MILES OF YUKON LANDS IN 1979, THE GRADUAL ROLLBACK TO LESS THAN 10,000 SQUARE MILES OF NEGOTIATED SETTLEMENT LANDS IS A REALITY MANY OF MY PEOPLE TODAY STILL FIND HARD TO ACCEPT.

DUE TO THIS FACT, THE PROTECTION OF BOTH SETTLEMENT LANDS AND THE ADJACENT AREAS HAVE BECOME A CONCERN FOREMOST ON OUR MINDS.

I SHOULD ADD THAT THE ADOPTED CRITERIA FOR ARRIVING AT OUR LAND SELECTIONS WERE SWEEPING, IN AS MUCH AS WE IDENTIFIED LAND USE POTENTIALS FOR TRADITIONAL ACTIVITIES INCLUDING FUTURE RESOURCE OR OTHER DEVELOPMENTS.

AT THIS POINT, I BELIEVE, IT BECOMES CLEAR THAT INHERENT
WITHIN THE YUKON CLAIMS AS WELL THERE EXIST POTENTIAL
SOURCES OF LAND USE CONFLICT.

CONFLICT SEEMS TO OCCUR BETWEEN OUR CLAIMS OBJECTIVES
FOR

- ° "ECONOMIC DEVELOPMENT"
- ° "RETENTION OF CULTURE"
- AND
- ° "ENVIRONMENTAL INTEGRITY"

BUT EVEN IF THESE OBJECTIVES WILL ALWAYS CONFLICT TO
SOME EXTENT, THE SOLUTION LIES IN WHAT DEVELOPMENT
SHOULD OCCUR WHERE, AND HOW MUCH DEVELOPMENT SHOULD
TAKE PLACE.

WHAT THE YUKON INDIAN PEOPLE HOPE TO ACHIEVE IS A MEETING OF THE WAYS ... WHEN THROUGH CAREFUL CHOICE ... BENEFITS ARE INTELLIGENTLY SELECTED FROM BOTH THE OLD AND THE NEW IN ORDER TO BETTER BALANCE OUR INTERESTS.

FOR ONE, "ECONOMIC DEVELOPMENT" MUST ENSURE MY PEOPLE TO BECOME EQUAL PARTNERS WITH THE OVERALL COMMUNITY IN YUKON SOCIETY ... TO BE SELF-SUFFICIENT AND FREE OF THEIR PRESENT-DAY DEPENDENCY ON ECONOMIC DETERMINANTS LARGELY BEYOND THEIR CONTROL.

FOR THE OTHER, "RETENTION OF CULTURE" AND "ENVIRONMENTAL INTEGRITY" MUST ENABLE MY PEOPLE TO PRACTISE THEIR PARTICULAR CULTURE ... AND TO MAINTAIN THE QUALITY ENVIRONMENT TRADITIONALLY ENJOYED BY INDIANS THROUGHOUT NORTHERN CANADA.

OUR CHOICE, THEN, CHARACTERIZES A SPECTRUM OF LIFESTYLE OPTIONS UPON WHICH I SHALL VERY BRIEFLY EXPAND:

1. FIRST OF ALL, THE "PRE-CONTACT SUBSISTENCE", FROM PRIOR TO EUROPEAN COLONIZATION, IS A LIFESTYLE WHOSE TIME HAS PASSED FOR MY PEOPLE.
2. HOWEVER, IT WAS THE "BASIC TRADITIONAL ECONOMY" WHICH SUBSEQUENTLY CONTINUED TO OFFER A SUBSISTENCE LIFESTYLE, AND REMAINS, UNTIL NOW, DEEPLY ROOTED WITHIN THE NATURAL ENVIRONMENT.

BASED ON HUNTING, FISHING AND TRAPPING OPPORTUNITIES ... AS WELL AS ON A CASH ECONOMY ... IT PRECIPITATED OUR PRESENT-DAY "DEVELOPED TRADITIONAL ECONOMY", AND THE RAPID GROWTH OF INNOVATIVE, INDIAN ARTS AND CRAFTS, GUIDING OR OUTFITTING OPERATIONS.

MOST IMPORTANTLY, IN THIS LIFESTYLE LIES THE PERVASIVE OPTION WHICH PRESERVES, DEFINES AND INSPIRES INDIAN HERITAGE AND CULTURE.

WHILE ON THE ONE HAND DESIGNED TO GENERATE MAXIMUM REVENUES IN A CULTURALLY APPROPRIATE MANNER, THE "DEVELOPED TRADITIONAL ECONOMY", ON THE OTHER HAND, IS MOST COMPATIBLE WITH OUR OBJECTIVE FOR "ENVIRONMENTAL INTEGRITY".

BUT SIMPLY BECAUSE IT DOES DEPEND ON A QUALITY ENVIRONMENT THIS IS ALSO A LIFESTYLE WHICH, OF COURSE, STANDS TO BE DESTROYED IF THE YUKON IS CARELESSLY DEVELOPED BY UNCONTROLLED, UNPLANNED, LARGE-SCALE INDUSTRY.

3. NEXT, THE "BASIC RESOURCE ECONOMY", ASSOCIATED WITH SMALL BUSINESS, HAS ENABLED THOSE INDIAN PEOPLE WHO OPT FOR A LESS TRADITIONAL LIFESTYLE THE MEANS OF SUCCESS TYPICAL OF OVERALL SOCIETY...

... WHICH BRINGS US TO THE "DEVELOPED RESOURCE ECONOMY" AND THE MAJOR OUTSTANDING ISSUE YET TO BE RESOLVED AT THE LAND CLAIMS TABLE: NAMELY, THE FUTURE DISPOSITION, MANAGEMENT AND BENEFICIAL USE OF NON-RENEWABLE RESOURCES IN THE YUKON.

WHILE IT IS WIDELY RECOGNIZED NORTH OF 60° THAT NATURAL RESOURCE REVENUES HOLD THE KEY TO CONSTITUTIONAL AND ECONOMIC DEVELOPMENT, ALL LEADING NORTHERN ORGANIZATIONS, NATIVE AND NON-NATIVE ALIKE, ASPIRE TO SECURING SOME CONTROL OVER, AND GREATER BENEFITS FROM NON-RENEWABLE RESOURCES DEVELOPMENT.

4. FINALLY, THE "PROFESSIONAL LIFESTYLE" IS GROUNDED ON EDUCATION, TRAINING AND KNOWLEDGE. THE LATTER ATTRIBUTES ARE, OF COURSE, HIGH ON THE TOP OF THE LIST OF OUR LAND CLAIMS OBJECTIVES ... AND FROM THESE WE EXPECT THEY WILL LEAD TO ENLIGHTENED ATTITUDES AND AID IN THE PROCESS OF RETAINING "ENVIRONMMENTAL INTEGRITY".

IN CUMULATIVE TERMS THEREFORE, WE LOOK UPON THE LIFESTYLE CONCEPT AS A NECESSARY FACTOR TO ASSESS AND AVOID POTENTIAL LAND USE CONFLICTS THAT MIGHT OTHERWISE ARISE THROUGH DECISIONS YUKON INDIANS MUST MAKE WITH REGARD TO THEIR DESIRABLE GOALS. OBVIOUSLY, BY WISELY SELECTING OUR INDUSTRIES, WE CAN DETERMINE A TOMORROW WHICH WILL MITIGATE THOSE CONFLICTS.

BUT THIS ALONE DOES NOT DEAL WITH EACH AND EVERY SITUATION ... FOR SURELY NON-INDIAN SOCIETY WILL PROPOSE PROJECTS WHICH, EVEN IF LOCATED ON NON-INDIAN LANDS, THREATEN TO IMPACT THE NATURAL ENVIRONMENT SO IMPORTANT TO CERTAIN INDIAN VALUES AND TRADITIONAL LIFESTYLES.

AT THIS POINT I THINK IT APPROPRIATE TO MENTION THAT LAND USE PLANNING IS NOT EXACTLY A CONCEPT WITH WHICH I GREW UP. RATHER, LIKE MOST OTHER INDIANS I ASSUMED THAT RESPECT FOR THE LAND WAS ENOUGH ... THAT IF YOU LOOKED AFTER THE LAND, IT WOULD LOOK AFTER YOU ...

... NOR DID MY PEOPLE, IN A STRICTLY MODERN SENSE OF THE WORD, EVER HAVE JURISDICTION OVER LAND AND RESOURCES (EXCEPT, PERHAPS, FOR OUR UNDEFINED ABORIGINAL RIGHTS) BUT WHAT CONTROL WE HAD WE NEVER REGARDED AS MORE IMPORTANT THAN THE LAND AND RESOURCES THEMSELVES!

CLEARLY ONE OF THE SHORTFALLS OF RECENT NORTHERN LAND USE PLANNING RESTS HERE - THAT IS, PLANNING OFTEN DISSIPATED INTO POLITICAL RHETORIC ABOUT WHO SHOULD CONTROL THE LAND, WHICH IMPERILED THE ACTUAL PROCESS OF PLANNING ITSELF.

INHERENT IN THESE REALITIES ARE CERTAIN UNAVOIDABLE IMPLICATIONS IN TERMS OF THE EXISTING DISPOSITION AND CONTROL OF YUKON LANDS:

- ° AT PRESENT, THE FEDERAL GOVERNMENT ENJOYS TITLE TO 99.8% OF LAND IN THE YUKON.

THE CYI LOOKS AT THESE REALITIES AND ... LIKE OTHER YUKONERS ... BELIEVES THAT A FUNDAMENTAL RESTRUCTURING OF THE STATUS QUO IS NEEDED TO ACCURATELY REFLECT THE GENUINE RIGHTS TO LAND OWNERSHIP BY ALL YUKON RESIDENTS.

AS MOST OF YOU MAY BE AWARE ... IN RESPONSE TO DIAND'S NORTHERN LAND USE PLANNING INITIATIVE, THE CYI TOGETHER WITH THE FEDERAL AND TERRITORIAL GOVERNMENTS HAVE, OVER THE PAST FEW MONTHS, NEGOTIATED TOWARD AN INTERIM AGREEMENT ON LAND USE PLANNING FOR THE YUKON.

I WOULD LIKE TO TAKE THIS OPPORTUNITY TO TELL YOU, IF ONLY IN GENERAL TERMS, WHAT THIS AGREEMENT (ONCE RATIFIED BY ALL PARTIES) SPELLS OUT FOR THE ROLE OF INDIAN PEOPLE IN YUKON LAND USE PLANNING:

- ° AS I MENTIONED EARLIER, THE CYI WILL BE AFFORDED AT LEAST 25% PARTICIPATION ON ALL PROPOSED PLANNING STRUCTURES;
- ° FURTHERMORE, THE IMPORTANCE OF THE PART YUKON INDIAN PEOPLE PLAY IN DEVELOPING AND IMPLEMENTING LAND USE PLANNING WILL BE FULLY RECOGNIZED;

- ° IN PRACTICAL TERMS, THIS MEANS THAT THROUGH THE ACTIVE PARTICIPATION OF YUKON INDIAN BAND AREAS AND THEIR RESPECTIVE COMMUNITIES, THE PROCESS WILL ADVOCATE THE VALUES OF OUR SETTLEMENT LANDS IN RELATION TO THE QUALITY AND USE OF ALL OTHER YUKON LANDS.

IN CLOSING MY PRESENTATION, LET ME SIMPLY SAY THAT NORTHERN LAND USE PLANNING HAS TO DEPART FROM THE SOUTHERN CANADIAN EXPERIENCE. WE MUST PLAN DIFFERENTLY, NOT EXCLUSIVELY, WITH REGARD TO OUR SENSITIVE ENVIRONMENT, BUT ALSO TO ACCOMODATE FOR THE UNIQUE INDIAN WAY OF LIFE. I AM CONVINCED THIS IS AN ATTAINABLE OBJECTIVE.

THANK YOU.

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